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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/386,775 | 08/31/1999 | LASZLO ERDELY JR. | 1858.003 | 1784 |

32127 7590 04/17/2006

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EXAMINER

TIEU, BINH KIEN

ART UNIT PAPER NUMBER

2614

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/386,775

Applicant(s)

ERDELY ET AL.

Examiner

BINH K. TIEU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/17/2006 has been entered.

Allowable Subject Matter

2. The indicated allowability of claims 16 and 18 is withdrawn in view of the newly discovered reference(s) to Williams (US. Pat. #: 5,550,901). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

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evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art ("AAPA") in view of Williams (US Pat. #: 5,550,901).

Regarding claims 1, 2, 16, 17 and 18, the AAPA teaches, in figure 1 and in the "Background of the Invention" on pages 1-3 of the Specification, a system and a method of providing digital communications between a central office and a customer premises comprising the feature of placing a local loop generation mechanism in series with a communication path between the central office and the customer.

It should be noticed that the AAPA fails to clearly teach a frequency-selective filter placed in parallel with the local loop generation mechanism so as to provide a bypass path across the local loop generation mechanism. However, Williams teaches an adapter circuit 18, as shown in figure 1, comprising a band-reject filter 33. The band-reject filter 33 is a passive LC network and capacitor C6, as shown in figure 2, in connected parallel with the links 22 and 25 as shown in figure 1, wherein the links 22 and 25 read on the local loop generation mechanism in series with a communication path (i.e., in series with local loop 12 and telephone loop 14) between the central office and the customer (see col.3, line 54 through col.4, line 31; col.5, line 52 through col.6, line 36). It is also noticed that the DTMF signals and communications on the local loop containing second frequency range. A DTMF detector is used and shown in figure 4

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for a purpose of attenuating (voiceband and DTMF) signals carrying in the voiceband frequency range outside the designed voice band and for eliminating undersigned voice band signals generated from other PBX telephones in communications.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of the band-reject filter 33 in parallel connection with a local loop generation mechanism in series with a communication path between the central office and the customer, as taught by Williams, into view of AAPA in order to eliminate interruption of communications between the customer and the central office when other terminal is put in use.

Regarding claims 3-15, the obvious combination of the AAPA and the Williams teach and render the limitations of the claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Although the Duong et al. (US. Pat. #: 5,003,500), Christensen (US Pat. #: 4,759,059) and Gross et al. (US. Pat. #: 4,987,586) are not applied into this Office Action, they are also called to Applicants attention. They may be used in future Office Action(s). All of these references are also concerned with the "a frequency-selective filter placed in parallel with the local loop generation mechanism so as to provide a bypass path across the local loop generation mechanism." For example, Duong et al teaches lowpass filter (LPF) 21 and Bandpass filter (BPF) 21 as shown in figures 1 and 2. Christensen teaches such features in figure 2 and Christensen also teaches such features in figure 2.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

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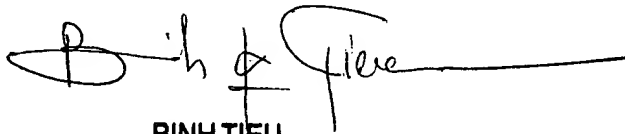
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**BINH TIEU
PRIMARY EXAMINER**

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Date: April 14, 2006